

Appl. No. 09/849,555
Atty. Docket No. 8325
Amdt. dated 5/24/2005
Reply to Office Action of 2/24/05
Customer No. 27752

REMARKS

Applicants have amended claim 1 to claim the presnet invention with more speificicty. Support for this amendment is found on page 8 of the specification. Applicants have also amended claim 15. Support for this amendment is found in page 8 of the specification and the originally filed claims 16-17. Consequently, Claims 16-17 are canceled.

No new matter is added. Entry is believed to be proper and respectfully requested.

Upon entry of the amendment, Claims 1-15 and 18-32 are pending.

REJECTIONS

Rejections Under 35 USC 112, second paragraph

Claim 1 is rejected under 35 USC 112, second paragraph as being as being indefinite for failure to point out and distinctly claim the subject matter which applicant regards as the invention.

Paragraph 8 of the Office Action provided no specificity to support this rejection. However, Applicants suspect that the Examiner is relying on the statements made in paragraph 6 of the Office Action for this rejection. In Paragraph 6 of the Office Action, the Examiner suggested that the term "lipophilic fluid" is a broad term not defined by the claim and the specification does not provide a standard for ascertain the scope of what is included or excluded by this term.

Applicants respectfully request that the Examiner confirms, in the subsequent Office Action, that this is indeed the basis for this rejection. Alternatively, if this rejection is not based on the statements of Paragraph 6 of the Office Action, Applicants respectfully request that the Examiner provide more details of the basis for this rejection

Applicants respectfully traverse this rejection, under the assumption that the rejection is based on the reasons of record in paragraph 6 of the Office Action.

Applicants respectfully point out that on pages 5-7 of the specification, a lipophilic fluid test is provided for ascertaining the lipophilic fluid encompassed by the present invention.

Therefore, Applicants submit that this rejection should be withdrawn.

Appl. No. 09/849,555
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Rejections Under 35 USC 103 over Eisen

Claims 1-12, 20 and 23-32 are rejected under 35 USC 103(a) as being unpatentable over Eisen (US 5,940,988) for reasons of record at pages 4-6 of the Office Action.

Applicants respectfully traverse this rejection, to the extent it may apply to the presently amended claims.

Applicants respectfully point out that Eisen teaches an improved dry cleaning process that avoids using dry cleaning solvents (See Eisen col. 1-2 and col. 10-11). Eisen's solvent-less cleaning process does not render the presently claimed invention obvious because the presently claimed invention uses a lipophilic fluid, in addition to using an aqueous vapor.

Based on the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejections.

Rejections Under 35 USC 103 over Berndt et al. in view of Eisen

Claims 1-32 are rejected under 35 USC 103(a) as being unpatentable over Berndt et al (US 6,063,135) in view of Eisen (US 5,940,988) for reasons of record at pages 6-8 of the Office Action.

Applicants respectfully traverse this rejection, to the extent it may apply to the presently amended claims.

Berndt et al. teaches an improved dry cleaning process and apparatus employing non-conventional solvents. Eisen teaches an improved dry cleaning process and apparatus that avoid dry cleaning solvents all together. There is no motivation in the cited references to combine a solvent-based dry cleaning process with another process that specifically teaches how to avoid using dry cleaning solvent. Given that Berndt et al. is silent on applying water vapor to the fabric articles, Applicants respectfully submit that the Examiner has relied on improper hindsight to pick and choose from the various steps of Eisen, which in totality teaches away from the solvent-based dry cleaning process, to arrive at Applicants' claimed process.

Moreover, MPEP 706.02 clearly provides that the references must teach or suggest all the claim limitations. Applicants submit that even if the cited references can

Appl. No. 09/849,555
Atty. Docket No. 8325
Amdt. dated 5/24/2005
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Customer No. 27752

be properly combined, the references fail to teach or suggest every claim limitations, specifically, the references are silent as to the amount of aqueous vapor applied to the fabrics.

Based on the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejections.

Rejections Under 35 USC 103 over Eisen in view of Berndt et al.

Claims 13-19 and 21-22 are rejected under 35 USC 103(a) as being unpatentable over Eisen (US 5,940,988) in view of Berndt et al (US 6,063,135) for reasons of record at pages 8-9 of the Office Action.

Applicants respectfully traverse, to the extent it may apply to the presently amended claims.

For reasons stated in the above section, there is no motivation to combine a dry cleaning process that teaches away from using solvent with a solvent-based dry cleaning process. Further, since the broader claims are nonobvious in view of the references, the dependent claims 13-19 and 21-22, which include all the limitations of the broader claim they depend on, are similarly nonobvious in view of the references.

Based on the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejections.

Rejections Under 35 USC 103 over Madore et al. in view of Eisen

Claims 1-32 are rejected under 35 USC 103(a) as being unpatentable over Madore et al (US 5,057,240) in view of Eisen (US 5,940,988) for reasons of record at pages 9-11 of the Office Action.

Applicants respectfully traverse this rejection, to the extent it may apply to the presently amended claims.

Madore et al. teaches a detergent composition comprising silicones in a carrier, such as a water/ethanol mixture (col. 6, lines 2-5 and col. 2, lines 66-68); the detergent composition is used in an aqueous wash/aqueous rinse process (See col. 7, lines 30-32). Madore et al. does not teach or suggest using the composition in a solvent-based dry cleaning process or applying water vapor to a fabric article. Eisen teaches an improved

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"dry cleaning process" that may employ water vapor among various steps. There is no motivation in the references to combine an aqueous process with a dry cleaning process. Further, there is no particular motivation for the skilled artisan to pick, among various steps taught by Eisen, the particular step of applying water vapor to an aqueous wash/aqueous rinse process. In fact, it would seem superfluous to apply water vapor to an aqueous wash/aqueous rinse process. Applicants submit that the Examiner has again relied on improper hindsight to pick and choose from the various teachings in the references to arrive at Applicants' claimed process.

Moreover, MPEP 706.02 clearly provides that the references must teach or suggest all the claim limitations. Applicants submit that even if the cited references can be properly combined, the references fail to teach or suggest every claim limitations, specifically, the references are silent as to the amount of aqueous vapor applied to the fabrics.


Based on the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejections.

CONCLUSION

Based on the foregoing, applicants submit that the present application is in condition for allowance.

In the event that issues remain prior to allowance of the noted claims, the Examiner is invited to call Applicants' undersigned attorney to discuss any remaining issues.

Respectfully submitted,
Deak et al

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